

District Judge James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDUL RAHMAN MOHAMMAD, *et al.*,

Plaintiffs,

v.

SECRETARY, U.S. DEPARTMENT OF  
STATE,

Defendant.

No. 2:23-cv-1397-JLR

STIPULATED MOTION TO HOLD  
CASE IN ABEYANCE AND  
~~PROPOSED~~ ORDER

Noted for Consideration:  
November 14, 2023

Plaintiffs brought this litigation pursuant to the Administrative Procedure Act seeking, *inter alia*, to compel the State Department to schedule Plaintiffs' consular interview at which they anticipate applying for immigrant visas. Dkt. No. 1, Compl. Defendant's response to the Complaint is due on November 20, 2023. For good cause, the parties request that the Court hold the case in abeyance until December 20, 2023.

Courts have "broad discretion" to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

1 Plaintiffs' unreasonable delay claim is based on the premise that their priority dates are current  
 2 and that they are eligible to apply for immigrant visas. However, the parties agree that Plaintiffs'  
 3 priority dates are not current according to the State Department's Visa Bulletin. As a result,  
 4 Plaintiffs intend to amend the Complaint to include a challenge to the State Department's use of  
 5 retrogression and add a Freedom of Information Act claim. This proposed stay will allow for  
 6 Plaintiffs to amend the Complaint and eliminate the need for the State Department to file a motion  
 7 to dismiss based on Plaintiffs' current claim in the Complaint. Furthermore, this will allow the  
 8 parties to discuss the claims in the amended complaint and see if resolution is possible.

9 As additional time is necessary for this to occur, the parties request that the Court hold the  
 10 case in abeyance until December 20, 2023. The parties further request that the Court vacate its Order  
 11 Regarding Initial Disclosures, Joint Status Report, and Early Settlement. Dkt. No. 5. The parties  
 12 will submit a joint status report on or before December 20, 2023.

13 Dated: November 14, 2023

Respectfully submitted,

14 TESSA M. GORMAN  
 Acting United States Attorney

15 s/Michelle R. Lambert  
 16 MICHELLE R. LAMBERT, NYS #4666657  
 Assistant United States Attorney  
 17 United States Attorney's Office  
 1201 Pacific Avenue, Suite 700  
 18 Tacoma, Washington 98402  
 Phone: 206-428-3824  
 19 Email: [michelle.lambert@usdoj.gov](mailto:michelle.lambert@usdoj.gov)

20 *I certify that this memorandum contains 317 words,*  
 21 *in compliance with the Local Civil Rules.*

22 *Attorneys for Defendant*

*s/Kripa Upadhyay*

KRIPA UPADHYAY, WSBA #40063

Karr, Tuttle, Campbell

701 Fifth Ave, Suite 3300

Seattle, WA 98104

Phone: 206.224.8092

Email: [kripa@karrtuttle.com](mailto:kripa@karrtuttle.com)

*s/Bradley B. Baniyas*

BRADLEY B. BANIAS, SC76653

Baniyas Law, LLC

602 Rutledge Avenue

Charleston, South Carolina 29403

Phone: 843.352.4272

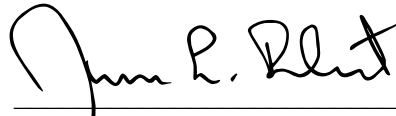
Email: [brad@baniyaslaw.com](mailto:brad@baniyaslaw.com)

*Attorneys for Plaintiffs*

**~~PROPOSED~~ ORDER**

The case is held in abeyance until December 20, 2023. The parties shall submit a joint status report on or before December 20, 2023. The Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. No. 5) is vacated. It is so **ORDERED**.

DATED this 15th day of November, 2023.



JAMES L. ROBART  
United States District Judge